

CLERK'S OFFICE U.S. DIST. COURT
AT HARRISONBURG, VA
FILED

UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF VIRGINIA
Harrisonburg Division

JUN 29 2020

MILLER SEABROOKS

JULIA C. DUDLEY, CLERK
BY: *K. Dotm*
DEPUTY CLERK

Plaintiff,

v.

Case No. 5:20cv00039

EVANS DELIVERY COMPANY INC.
SERVE: Registered Agent: Robert Walker
709 Old Hunt Way
Herndon, Virginia 20170

And

RONALD LEE BROWN, JR.,
206 Pointer Circle, Apt. 12
Newport News, Virginia 23602

Defendants.

COMPLAINT

Miller Seabrooks, the plaintiff, hereinafter Seabrooks, brings this civil action seeking money judgment against the defendants jointly and severally for the negligence on the grounds in the amounts as recited herein and states as follows:

PARTIES

1. Defendant Brown at all times relevant hereto resides at 206 Pointer Circle, Apt. 12, Newport News, Virginia 23602.
2. Defendant Brown at all times relevant hereto upon information and belief was acting as agent, representative or employee of Evans Delivery Company Inc.
3. Evans Delivery Company Inc. has a registered agent Robert Walker, 709 Old Hunt Way, Herndon, Virginia 20170.

JURY DEMAND

4. The plaintiff demands a jury trial of all issues raised in the Complaint.

JURISDICTION AND VENUE

5. This Court has diversity jurisdiction under 28 U.S.C. § 1332 because the parties are diverse and the amount in controversy, exclusive of interest and costs exceed Seventy Five Thousand Dollars (\$75,000.00).

6. This Court has personal jurisdiction over Defendants pursuant to Va. Code §8.01-328.1(A)(1) and (3) because the defendants were transacting business in the Commonwealth of Virginia and caused tortious injury by an act or omission within this Commonwealth.

7. Venue is proper in this Court under 28 USC §1391(b)(2) because a substantial part of the events, acts, and/or omissions giving rise to this claim occurred within the confines of Rockingham County, Virginia. Rockingham County lies within the confines of the Western District of Virginia and the defendants are subject to this Court's personal jurisdiction.

FACTUAL ALLEGATIONS

8. On or about July 26, 2018, Plaintiff Seabrooks was the driver of a vehicle traveling north on Interstate 81 in Rockingham County, Virginia.

9. At said time and place, Defendant Brown was operating a motor vehicle in the left lane of Interstate 81 north in Rockingham County, Virginia alongside Plaintiff Seabrooks' vehicle.

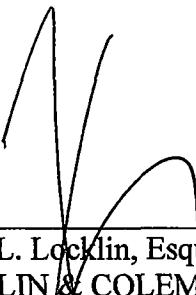
10. It was the duty of Defendant Brown to operate his motor vehicle with reasonable care and to comply with the applicable rules of the road and for the safety of others including the plaintiff.

11. The defendant breached the aforesaid duties of maintaining a proper lookout, maintaining his vehicle in his lane of travel, and maintaining his vehicle under proper control under the circumstances when he negligently, suddenly, and carelessly without warning entered and

encroached the travel lane of Plaintiff Seabrooks, and his cargo came lose causing the accident to occur and the plaintiff being injured.

12. As a direct and proximate cause of the defendant's negligence as described herein, Plaintiff Seabrooks sustained serious and permanent injuries, has suffered pain of body and mind and will continue to suffer same in the future, has incurred loss of earnings, has incurred medical bills and costs, and may incur medical costs and bills in the future.

WHEREFORE, Plaintiff demands judgment against the defendant in the amount of NINE HUNDRED THOUSAND DOLLARS (\$900,000.00) with pre-judgment interest from July 26, 2018, post judgment interest, and all costs as permitted by law, and that the court grant such other and further relief that is deemed equitable and fair.



MILLER SEABROOKS
By Counsel

Kevin L. Locklin, Esquire VSB: 21081
LOCKLIN & COLEMAN, PLLC
9253 Mosby Street, Suite 100
Manassas, Virginia 20110
(703) 392-6686 Phone
(703) 393-7999 Fax
klocklin@locklincolemanlaw.com
Counsel for Plaintiff